



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/583,216

06/16/2006

Harald Fink

03-H36US

7714

7590
Michael M Rickin
ABB Legal Dept 4U6
29801 Euclid Avenue
Wickliffe, OH 44092-1832

02/07/2011

EXAMINER

FISHMAN, MARINA

ART UNIT

PAPER NUMBER

2833

MAIL DATE

DELIVERY MODE

02/07/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/583,216	Applicant(s) FINK ET AL.	
	Examiner Marina Fishman	Art Unit 2833	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

General status

1. This is a Final Action on the Merits. Claims 8 - 11 are pending in the case and are being examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonken [US 3,812,314] in view of Renz et al. [6,720,515].

Nonken discloses a medium-voltage switchgear assembly comprising: an enclosure [3, Figure 1; 1a', 16, Figure 3] filled with an insulating gas [column 7, lines 45-51]; and a bushing [1b] extending through the enclosure such that an interior portion of the bushing is disposed inside the enclosure with the insulating gas and an exterior portion of the bushing is disposed outside the enclosure, the bushing comprising a vacuum switching chamber.

Nonken discloses the instant claimed invention except for a conductive edge board connected to and extending radially outward from the switching chamber, the edge board being connected to a wall of the enclosure and having a seal that engages an outer surface of the wall to form a gas tight seal therewith, the connection of the edge board to the wall forming a ground point for

Art Unit: 2833

the switching chamber. Renz et al. discloses a switchgear with a three position switch and having a conductive edge board [15] connected to and extending radially outward from the switching chamber, the edge board being connected to a wall of the enclosure and having a seal that engages an outer surface of the wall to form a gas tight seal therewith, the connection of the edge board to the wall forming a ground point for the switching chamber. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a conductive edge board extending radially outward and forming a ground point in Nonken as suggested by Renz et al. in order to have a ground switch formed within the vacuum chamber.

Regarding Claim 9, Nonken and Renz et al. disclose the switchgear assembly, wherein the bushing [1a, Nonken Figure 1] has a cast-resin body that encapsulates the switching chamber. Regarding Claim 10, Nonken and Renz et al. disclose the switchgear assembly, wherein the switching chamber comprises a three-position switch [Renz] enclosed in a vacuum insulated housing having a metal center portion [not numbered, Renz Figure 1] disposed between ceramic end portions [10, 11], the center portion being connected to the edge board. Regarding Claim 11, Nonken and Renz et al. disclose the switchgear assembly, wherein the switch comprises a moving contact [9, Nonken] and a fixed contact [8], the fixed contact being disposed in the interior portion of the bushing.

Response to Arguments

4. Applicant's arguments filed 01/10/2011 have been fully considered but they are not persuasive.

The Applicant has argued (page 2, lines 21 +) “independent claims 1 and 8 of the Nonken Patent, the annular steel flange, its molding within the epoxy housing and its either being adapted to be welded to a steel supporting flange (claim 1) or its welding to a tank (claim 8) are part of the mounting means called for in those claims. Thus the **combination of the Nonken Patent and the Renz Patent** used by the Examiner to reject claims 8-11 would require the invention of the **Nonken Patent to be discarded.**” In response to applicant's argument the Examiner wishes to point out that the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In this case, as stated in the body of the rejection, the Renz patent has been only used for teaching of a conductive edge board connected to and extending radially outward from the switching chamber, the edge board being connected to a wall of the enclosure and having a seal that engages an outer surface of the wall to form a gas tight seal therewith, the connection of the edge board to the wall forming a ground point for the switching chamber. Thus the combination would enhance the Nonken patent.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marina Fishman whose telephone number is (571)272-1991. The examiner can normally be reached on 5:30 - 4:00 M-T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee S. Luebke can be reached on 571-272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-

Art Unit: 2833

free). If you would like assistance from a USPTO Customer Service

Representative or access to the automated information system, call 800-786-

9199 (IN USA OR CANADA) or 571-272-1000.

/Marina Fishman/
Examiner, Art Unit 2833
January 31, 2011

/renee luebke/

Renee Luebke
Supervisory Patent Examiner
AU 2833